

REMARKS

Re-consideration and further examination of the subject patent application in light of the present remarks is respectfully requested. Claims 1 to 27 stand rejected.

REJECTIONS UNDER 35 U.S.C. SECTION 112

Amendments have been entered to the claim set to overcome the objections raised under Section 112. In particular, Claims 3 and 5 are cancelled. Claim 6 has been amended to depend from claim 4. Claim 7 has been amended to more clearly describe the additional step of utilizing "predetermined information" to configure the digital item. Claims 11, 12 and 13 have also been cancelled. Moreover, new claim 28 has been added, which is analogous to amended claim 7. As such, it is submitted that the rejections under 35 USC 112 are now overcome.

REJECTIONS UNDER 35U.S.C. SECTION 102 (b)

Claims 1, 8, 9, 14, 15, 17, 24 and 25 are rejected under 35 U.S.C. 102 (b) as being anticipated by Iannella (ODRL). In response, Applicant has entered amendments to more clearly define the claimed invention and argues that the Examiner has erred in construing Iannella. Referring to claim 1 (and all other independent claims), it is apparent that the claimed invention is directed to a method and system for "controlling" the manner in which a Digital Item is viewed/presented to an end user.

In the context of the present specification, a Digital Item is clearly defined at paragraph 0004 of the present specification. In particular, the Applicant defines a digital item as "a digital object containing structure, metadata and resources" (underlining added). That is, a Digital Item is not a single multimedia item per se, but rather, is a self-contained "package" which contains both content and metadata describing the type and use of the content. Iannella, whilst providing a language for the expression of digital rights, does not teach the provision of these rights within a Digital Item as a "package". Examiner refers to Section 2.12 as a disclosure of the feature of "incorporating a Digital Item manipulation method or methods defining said set of operations

into the Digital Item". However, Section 2.12 makes no such disclosure. Section 2.12 describes the process for bundling a number of different "rights" into a single XML statement. That is, Section 2.12 describes the process of bundling each one of a set of operations into a single XML document. There is no disclosure in Section 2.12 of subsequently bundling the XML document into a Digital Item. In fact, Section 1 of Iannella clearly states "The Open Digital Rights Language (ODRL) provides the semantics for DRM expressions in open and trusted environments whilst being agnostic to mechanisms to achieve the secure architectures" (emphasis added).

That is, Iannella specifically states that all that is being provided is a language for expressing "digital rights management". Iannella is purposely silent on the manner and the method by which it is to be provided, packaged or otherwise delivered to an end user. As such, Iannella cannot constitute an enabling disclosure of the feature of "incorporating the Digital Item manipulation method... into the Digital Item". Therefore, claim 1 remains novel in light of the disclosure of Iannella. As such, all dependent claims, namely claims 8, 9, 14, 15, 17, 24 and 25 are also novel in light of Iannella.

REJECTIONS UNDER 35U.S.C. SECTION 103 (a)

Claims 2-7, 10-13, 16, 18-23, 26 and 27 are rejected under 35 U.S.C. 103 (a) as being anticipated by Song (US 20040095429) in view of Iannella.

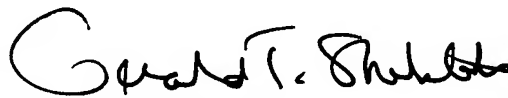
In response, Applicant argues that Examiner has erred in construing Song. Like Iannella, Song is wholly silent on the manipulation of Digital Items such that content within the Digital Item may be presented, consumed or otherwise manipulated by an application software using a set of manipulation operations incorporated into the digital item. Examiner refers to paragraph 37 in Song as disclosing such a feature. However, the cited paragraph discloses providing digital item descriptors (e.g. murCondition, opCondition, etc.) which do not in any way define a set of operations which allow an author or other entitled party to define the way in which the digital item is consumed, or otherwise manipulated. Instead, the descriptors taught in Song merely

ensure that a value may be extracted each time the digital item is viewed. For example, with reference to Paragraph 41, the “murCondition” describes conditions related to the commercial management and use rules for the resource for viewing by an end user (e.g. the date which the resource was last updated, the fee to use the resource, the usage rule, etc). There is no teaching or suggestion whatsoever in Song that such descriptors include a set of operations with active methods providing the mechanisms by which the structure, metadata and resources are to be used.

Thus, even if Song were to be combined with Iannella there would be no teaching or suggestion of a method of enabling a digital item to be consumed or otherwise manipulated by incorporating a digital item manipulation method or methods defining a set of operations into the digital item, as presently claimed.

Accordingly, for at least the reasons outlined above, we submit that the claimed invention, as proposed to be amended, is both novel and non-obvious over the cited documents either when taken separately or in combination. Respectful reconsideration of the application for allowance is requested.

Respectfully submitted,
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